

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

WILLIAM D. DICKERSON PETITIONER
v. CIVIL ACTION NO. 3:17-cv-779-DCB-LRA
WARDEN CHERON NASH RESPONDENT

ORDER

Before the Court is Petitioner William D. Dickerson's Objection to Magistrate Judge Linda R. Anderson's Report and Recommendation ("R&R"). [ECF No. 26]. On March 5, 2020, Magistrate Judge Anderson filed her R&R. [ECF No. 23]. On March 27, 2020, this Court entered an Order Adopting the R&R and a Final Judgment was entered of even date herewith. Three days after the Final Judgment was entered, on March 30, 2020, the Petitioner filed his objection to the R&R.

Petitioner asserts that he received a copy of Magistrate Judge Anderson's R&R on March 12, 2020 and that he had until March 26, 2020, i.e., fourteen days after physically receiving the R&R, to file any objections. Petitioner claims that he mailed his objection on March 26, 2020. Pro se prisoners' filings are governed by the mailbox rule, thus they are deemed filed as of the date the petitioner deposits them in the prison mail system, not the date they were received by the district court clerk. See Cooper v. Brookshire, 70 F.3d 377, 379 (5th Cir. 1995). Accordingly, the petitioner's objection was timely

under the prisoner mailbox rule. Therefore, the Court will review petitioner's objections to Magistrate Judge Anderson's R&R.

When a party objects to a R&R, this Court is required to "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); see also Longmire v. Guste, 921 F.2d 620, 623 (5th Cir. 1991). "Parties filing objections must specifically identify those findings objected to. Frivolous, conclusive or general objections need not be considered by the district court." Allen v. Outlaw, No. 5:14-cv-60-DCB-MTP, 2015 WL 4759268, at * 2 (S.D. Miss. Aug. 12, 2015). Moreover, "no factual objection is raised when a petitioner merely reurges arguments contained in the original petition." Hinton v. Pike County, No. 18-60817, 2018 WL 3142942, at *1 (S.D. Miss. June 27, 2018).

In his objection, petitioner re-asserts that he may proceed with his habeas petition under 28 U.S.C. § 2241 pursuant to 28 U.S.C. § 2255(e)'s savings clause. Petitioner merely reurges the arguments of his original petition and his reply to the Government's response in opposition. Having conducted a de novo review of the portions of the R&R objected to, and having reviewed the remainder for plain error and finding none, the

Court is satisfied that Magistrate Judge Anderson has undertaken an extensive examination of the issues in this case and has issued a thorough opinion which the Court has adopted.

Accordingly, Petitioner's objection is OVERRULED and the Court affirms its adoption of Magistrate Judge Anderson's Report and Recommendation and the Final Judgment entered on March 27, 2020.

SO ORDERED, this the 8th day of July, 2020.

____/s/ David Bramlette_____
UNITED STATES DISTRICT JUDGE